

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN M. RYAN,

Plaintiff,

v.

BROOKDALE INTERNATIONAL SYSTEMS,
INC., ET AL

Defendants.

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CIVIL ACTION H-06-1819

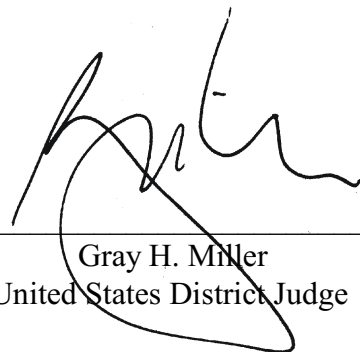
ORDER

Pending before the court are defendants E.I. du Pont de Nemours and Company, and Brookdale International Systems, Inc.'s motions to dismiss. (Dkts. 7 & 11). Having considered the parties' arguments and the applicable law, the court is of the opinion that the above-styled case should be DISMISSED.

Pursuant to Fifth Circuit precedent established in *Riviera v. Wyeth-Ayerst*, the court finds that the plaintiff Stephen M. Ryan lacks standing to bring his claims. *Riviera v. Wyeth-Ayerst Labs.*, 283 F.3d 315 (5th Cir. 2002). Ryan has suffered no injury in fact and therefore presents no justiciable case or controversy. Accordingly, the case is DISMISSED.

It is so ORDERED.

Signed at Houston, Texas on September 12, 2006.



Gray H. Miller
United States District Judge